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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/445,131	03/06/2000	JIANLEI XIE	RCA88670	9524

7590 01/15/2003
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EXAMINER

LE, KIMLIEN T

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

FN

Office Action Summary

Application No.

09/445,131

Applicant(s)

XIE, JIANLEI

Examiner

Kimlien T Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-18 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/6/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Response to Arguments

1. Applicant's arguments filed on September 03, 2002 have been fully considered but they are not deemed to be persuasive.

Applicant asserts on page 4:

Present claim 19 recites, "... identifying a count representing the number of laser encoded areas on said disk, each one of said plurality of programs on said disk being uniquely associated with a particular one of the laser encoded areas..." Present claim 22 recites "... using the first individualized code obtained to process first data associated with the first code ... and using the second individualized code obtained to process second data associated with the second individualized code." Claim 23 similarly recites this feature in the context of forming a disk.

The Examiner maintains that Gotoh et al. (U.S. Patent 6,052,465) discloses the features of claims 1-18 and 21-23.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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2. Claims 1-18 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Gotoh et al. (U.S. Patent 6,052,465).

Regarding claim 1, see Figs. 4, 5, 7 and 23 of Gotoh et al. which show a recording medium having a first and a second side comprising: respective program data on the first and the second sides of the medium; and a first area on the first side and a second area on the second side of the medium, the areas having laser encoded data representing information identifying the respective program data (see disclosure of Figs. 4, 5, 7 and 23).

Regarding claim 2, see Figs. 4, 5, 7 and 23 of Gotoh et al. which show a recording medium according claim 1, including the first area and the second area occupy non-overlapping position with respect to each other (see disclosure of Figs. 4, 5, 7 and 23).

Regarding claim 3, see Figs. 4, 5, 7 and 23 of Gotoh et al. which show a recording medium according claim 2, including the first area has substantially the same inner and outer circumferences but a different angular position from the second area (see disclosure of Figs. 4, 5, 7 and 23).

Regarding claim 4, see Figs. 4, 5, 7 and 23 of Gotoh et al. which show a recording medium according claim 2, including the first and second areas are positioned as concentric rings with respect to each other (see disclosure of Figs. 4, 5, 7 and 23).

Regarding claim 5, see Figs. 4, 5, 7 and 23 of Gotoh et al. which show a recording medium according claim 1, including the first area has substantially the same inner and outer circumferences but a different angular position from the second area (see disclosure of Figs. 4, 5, 7 and 23).

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Regarding claim 6, see Figs. 4, 5, 7 and 23 of Gotoh et al. which show a recording medium comprising: a first layer and a second layer, each of the layers containing respective program data; a first area on the first layer and a second area on the second layer, the areas having laser encoded data representing individualized information (see disclosure of Figs. 4, 5, 7 and 23).

Regarding claim 7, see Figs. 4, 5, 7 and 23 of Gotoh et al. which show a recording medium according claim 6, including the first area and the second area occupy non-overlapping positions with respect to each other (see disclosure of Figs. 4, 5, 7 and 23).

Regarding claim 8, see Figs. 4, 5, 7 and 23 of Gotoh et al. which show a recording medium according claim 6, including the first area and the second area occupy non-overlapping positions with respect to each other (see disclosure of Figs. 4, 5, 7 and 23).

Regarding claim 9, see Figs. 4, 5, 7 and 23 of Gotoh et al. which show a recording medium according claim 6 including the first area has substantially the same inner and outer circumferences but a different angular position from the second area (see disclosure of Figs. 4, 5, 7 and 23).

Regarding claim 10, see Figs. 4, 5, 7 and 23 of Gotoh et al. which show a recording medium according claim 6, wherein the medium is a DVD disk.

Regarding claim 11, see Figs. 4, 5, 7 and 23 of Gotoh et al. which show a recording medium according claim 6, wherein the first and second layers are on the same side of the medium (see disclosure of Figs. 4, 5, 7 and 23).

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Regarding claim 12, see Figs. 4, 5, 7 and 23 of Gotoh et al. which show a recording medium according claim 10, wherein the first and second areas are Burst Cutting Areas of the DVD disk(see disclosure of Figs. 4,5,7 and 23).

Regarding claim 13, see Figs. 4, 5, 7 and 23 of Gotoh et al. which show a recording medium according claim 5, including the first and second areas are Burst Cutting Areas of the DVD disk(see disclosure of Figs. 4,5,7 and 23).

Regarding claim 14, see Figs. 4, 5, 7 and 23 of Gotoh et al. which show a DVD disk comprising: a first layer for storing a first program; a second layer for storing a second program; an area of the first layer for having laser encoded data for identifying the first program; and an area of the second layer for having laser encoded data for identifying the second program (see disclosure of Figs. 4,5,7 and 23).

Regarding claim 15, see Figs. 4, 5, 7 and 23 of Gotoh et al. which show an apparatus for laser encoding a first and a second selectively distinctive codes on a recording medium, comprising: means for encoding the first code in a first preselected position and in a first preselected layer on the recording medium; and means for encoding the second code in a second preselected position and in a second preselected layer of the recording medium (see disclosure of Figs. 4,5,7 and 23).

Regarding claim 16, see Figs. 4, 5, 7 and 23 of Gotoh et al. which show a recording medium according claim 15, wherein the first layer and the second layer are on the opposite sides of the recording medium(see disclosure of Figs. 4,5,7 and 23).

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Regarding claim 17, see Figs. 4 ,5 ,7 and 23 of Gotoh et al. which show a recording medium according claim 16, wherein comprises means for turning the recording medium from one side to the other (see disclosure of Figs. 4,5,7 and 23).

Regarding claim 18, see Figs. 4 ,5 ,7 and 23 of Gotoh et al. which show a recording medium according claim 15, wherein the first position does not overlap the second position (see disclosure of Figs. 4,5,7 and 23).

Regarding claim 21, see Figs. 4 ,5 ,7 and 23 of Gotoh et al. which show an optical disk having a first recording area where first main data area recorded in the form of pits, and a second recording area which is a predetermined area in the first recording area, where a plurality of a reflection film are removed partially, so a first identification data is recorded for associating with the first main data, the optical disk being characterized by: a third recording area for recording second main data ; and a fourth recording area where a plurality of reflection film are removed partially, so a second identification data is recorded for associating with the second main data (removal of reflection film in Gotoh, Abstract).

Regarding claim 22, see Figs. 4 ,5 ,7 and 23 of Gotoh et al. which show a method for processing a disk, comprising the steps of obtaining from the disk, a first individualized code disposed on a first area of the disk; and using the first code obtained to process first data associated with the first code; obtaining, from the disk, a second individualized code disposed on a second area of the disk; and using the second individualized code obtained to process second data associated with the second individualized code (use of plural codes for plural areas in col. 26, lines 38-60).

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Regarding claim 23, see Figs. 4, 5, 7 and 23 of Gotoh et al. which show a method for forming a disk, comprising the steps of encoding first main data on a first area of the disk; and encoding a first code on a second area of the disk for identifying the first main data; encoding second main data on a third area of the disk; and encoding a second individualized code on a fourth area of the disk for identifying the second main data (method follows from medium disclosed in Gotoh).

Allowable Subject Matter

3. Claims 19-20 are allowed.

The following is an examiner's statement of reasons for allowance:

In independent claim 19, the limitation of a method for processing a disk having a plurality of programs on the disk, comprising the steps of identifying a count representing the number of laser encoded areas on the disk, each one of the plurality of programs on the disk being uniquely associated with a particular one of the laser encoded areas; obtaining a first laser encoded data by reading from a first laser encoded area on the disk; and obtaining a subsequent laser encoded data by reading from a subsequent laser encoded area on the disk until the number of laser encoded areas read equals to the count, is not anticipated, nor made obvious, over the prior art of record.

4. The dependent claims, being further limiting, definite and fully enabled by the Specification, are also allowed.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Cited References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references related to identification of program information on a recording medium..

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimlien Le whose telephone number is 703 305 3498. The examiner can normally be reached on M-F 8a.m-5p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Korzuch William can be reached on 703 305 6137. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9314 for regular communications and 703 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900.

Kimlien Le
January 13, 2003


W. R. YOUNG
PRIMARY EXAMINER